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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,405	01/21/2004	Shih-Ming Hwang	MR2723-349	1291

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EXAMINER

GREGORY, BERNARR E

ART UNIT PAPER NUMBER

3662

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,405

Applicant(s)

HWANG ET AL.

Examiner

Bernarr E. Gregory

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 16 of independent claim 1, "this scheme" lacks antecedent basis in that there is no earlier mention of the word "scheme" in claim 1.

On lines 20-21 of claim 1, the phrase "to judge should said passive electric installation be actuated" is indefinite and unclear in that the phrase is grammatically incorrect. Perhaps, "to judge whether said passive electric installation should be activated" was meant. A similar problem occurs on lines 8-9 of independent claim 7 and on lines 14-15 of independent claim 7.

On line 19 of claim 1, it is unclear in context what the subject is for the verb "send."

On line 2 of dependent claim 2, "a lighting equipment" is unclear in context in that in English the noun "equipment" may not take the indefinite article "a."

On line 2 of dependent claim 3, "an alarming device" is unclear in context in that the use of the word "alarming" appears to be incorrect. Perhaps, "an alarm device" was meant. The same problem occurs on line 2 of dependent claim 9.

On line 3 of dependent claim 4, "the same zone" lacks antecedent basis.

On line 3 of dependent claim 5, the phrase "in different zone" is unclear in context in that there is no modifying article for the noun "zone."

On line 11 of claim 7, the phrase "all directional microwave" is indefinite and unclear in context as to whether "all" refers to all of the microwaves in question or whether "all" is meant to be taken with the word "directional" as "all directional" to means "omnidirectional."

On line 17 of claim 7, "the data" lacks antecedent basis.

On line 23 of claim 7, "this scheme" lacks antecedent basis.

On line 24 of claim 7, "the defined three dimensional detection zone" lacks antecedent basis.

On line 25 of claim 7, "the detected signal" lacks antecedent basis.

Dependent claims 2-6 and 8-10 are unclear in that they depend from unclear independent claims 1 and 7.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-7, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gershberg et al ('834) or Hoard et al ('558) or Humphries ('982) or Humphries ('875) or Gehman ('992) or Lieser ('074) or Cole ('289) or Massa ('659) or Mattern et al ('049) or Nicholls ('730) or Clift ('427) or Lee et al ('721) or Lin et al ('620) or Frazier ('240) or Byrne ('151) or Tacussel ('699) or Cole et al ('858) or Nakayama ('187).

Using independent claim 1 as exemplary, each of the applied references either shows some sort of "power supply source" or inherently has one. Cole

('289) has the word "SUPPLY" in Figure 1 to meet this limitation. Lieser ('074) shows power supplies as items 25 and 55 in Figure 1 of that reference to meet this limitation. Gehman ('992) shows the power supply as a "POWER DISTRIBUTION SYSTEM" in item 48 of Figure 1 of that reference. Humphries ('875) shows a power supply as item 90 in Figure 3 of that reference. The remaining applied reference would inherently have a "power supply source" in that the disclosed electrical devices in each of the applied references operate on electrical power, which must come from a "power supply source."

Further, considering claim 1, each of the applied references shows the claimed "passive electrical installation" at least as the disclosed alarm in each of these applied references.

As for the claim 1 "output controller," this is met variously in the applied reference for the logic or other circuitry just before the alarm where the logical decision is made to activate the alarm. For example, in Figure 3 of Gershberg et al ('834), it is met by the "ALARM LOGIC" (item 110). In Figure 2 of Humphries ('982), it is met by item 64. In Figure 1 of Hoard et al ('558), it is met by item 13. In Figure 2 of Humphries ('875), it is met by item 64. In Figure 1 of Lieser ('074), it is met by item 30. On Figure 1 of Cole ('289), it is met by the box marked "ALARM CIRCUIT." The remaining applied references have similar circuits that are apparent.

As for the claim 1 "microwave detector," this is met by the radar transmitter and receiver in each of the applied references.

As for the further limitations of dependent claim 3, these are met by the alarm that is plainly shown in each of the applied references.

As for the further limitations of dependent claim 4, this is met by the alarm and the radar unit being proximate in the applied references. The word "zone" is read broadly.

As for the further limitations of dependent claim 5, this is met by the alarm and the radar units not being the same stage of the overall system. The word "zone" is read broadly.

As for the further limitations of dependent claim 6, this is met since in each of the applied references the "output controller" drives the alarm.

The remarks with respect to claims 7 and 9-10 are substantially those given above with respect to claims 1 and 3-6.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gershberg et al ('834) or Hoard et al ('558) or Humphries ('982) or Humphries ('875) or Gehman ('992) or Lieser ('074) or Cole ('289) or Massa ('659) or Mattern et al ('049) or Nicholls ('730) or Clift ('427) or Lee et al ('721) or Lin et al ('620) or Frazier ('240) or Byrne ('151) or Tacussel ('699) or Cole et al ('858) or Nakayama ('187).

As for the further limitations of dependent claim 2, it would have been obvious to one of ordinary skill-in-the-art that an alarm could be either aural and/or visual, so that actuating an item of lighting equipment would be equivalent of setting off an alarm.

As for the further limitations of dependent claim 8, it would have been obvious to one of ordinary skill-in-the-art to activate video equipment at the time of an intrusion in order to observe and/or record images of the intruder for security/ law enforcement purposes.

6. The drawings are objected to because box-type drawing elements are not descriptively labelled per 37 CFR 1.84(o). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In Figure 1, items 1, 2, 2a, 3, and 4 must be descriptively labelled. In Figure 2, items 1, 2, 2b, 3, and 4 must be descriptively labelled. In Figure 3, items 1, 2, 3, 4, 5, 61, 62, and 62a must be descriptively labelled. In Figure 4, items 1, 2, 3, 4, 5, 61, 62, 62a 62b, and 62c must be descriptively labelled. For example, if a box-type drawing element represents an RF amplifier, then it must be labelled "RF AMPLIFIER" or something reasonably close that has clear antecedent in the Specification.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (703)

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306-5765. The examiner can normally be reached on weekdays from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (703) 306-4171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bernarr E. Gregory
Primary Examiner
Art Unit 3662